

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:13-cv-00002-MR-DLH

**LAWRENCE H. BECK,**

**Plaintiff,**

**VS.**

**CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,**

**Defendant.**

## ORDER

**THIS MATTER** is before the Court on the Plaintiff's Motion for Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A) [Doc. 14]. The Defendant does not oppose the Plaintiff's request for fees. [Doc. 16].

The Plaintiff moves the Court for an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). [Doc. 14]. In light of the Court's prior remand of this matter, and in the absence of any contention by the Commissioner that his position was substantially justified or that special circumstances exist that would render an award of attorney's

fees unjust, the Court concludes that the Plaintiff is entitled to an award of attorney's fees under the EAJA.

The Plaintiff requests that the EAJA award be paid directly to his counsel as his assignee. In support of this request, the Plaintiff has submitted a copy of an assignment, by which the Plaintiff agrees to assign such fees to counsel. [Doc. 14-1]. The Court finds that the Commissioner should accept this assignment of the awarded fees by the Plaintiff to his attorney and upon receipt of such assignment, the Commissioner will pay that award of fees directly to Plaintiff's counsel, provided that it is shown that as of the date of this Order, the Plaintiff does not owe any debt to the United States Government which is subject to offset. See Astrue v. Ratliff, 560 U.S. 586 (2010).

**IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion for Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A) [Doc. 14] is hereby **GRANTED**, and the Plaintiff is hereby awarded attorney's fees in the amount of Five Thousand Two Hundred and Thirty-One Dollars and Twenty-Five Cents (\$5,231.25), which sum is in full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. § 2412(d).

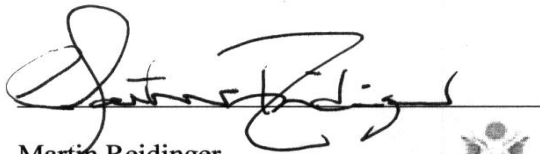
**IT IS FURTHER ORDERED** that the Commissioner shall inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset no later than thirty (30) days from entry of this Order. Within the same time period, the Plaintiff shall provide a valid fee assignment to the Defendant.

**IT IS FURTHER ORDERED** that in the event that past-due benefits are awarded on remand, the Plaintiff shall have thirty (30) days after being served with notice of the past-due benefits award to file for an award of fees pursuant to the Social Security Act, 42 U.S.C. § 406(b).

**IT IS FURTHER ORDERED** that no additional Petition pursuant to 28 U.S.C. § 2412(d) may be filed.

**IT IS SO ORDERED.**

Signed: September 21, 2013

  
Martin Reidinger  
United States District Judge

